

over the reference of Ingram; and maintained the Office's rejection of claim 20 under 35 U.S.C. 103(a) as being unpatentable over the combination of the reference of Ingram and the reference of Behensky.

The Office, however, withdrew the rejection of Applicant claim 18 under 35 U.S.C. 102(b) as being anticipated by the reference of Kotis (U.S. Patent No. 3,196,575) and withdrew the rejection of Applicant's claims 19-20 under 35 U.S.C. 103(a) as being unpatentable over the reference of Kotis.

**New claim direct to the simultaneous submersion
of bobber member and body over the entire range of motion**

On page 4, lines 7-9 of the Office Action dated January 13, 2005, in commenting of the Applicant's claims, the Office stated:

“Applicant should recite that the main bobber body and the member simultaneously submerge over the entire range of motion.”

In view of the Office's above comments, the Applicant has added new independent claim 21 to the present application. Newly added independent claim 21 calls for a two-stage fishing bobber responsive to different fishing forces similar to the fishing bobber Applicant's claim 18 but further includes the limitation of:

“...the simultaneous submersion of the bobber main body and the displacement of the member with respect to the bobber main body over an entire range of motion of the member so as to provide gradual resistance.” (Emphasis added.)

Support for newly added independent claim 21 can be found for example in Figures 11-13 of the Applicant's drawings. The Applicant submits that the reference of Ingram does not teach the simultaneous submersion of Ingram's hollow stem member 12 and body 10 "... over the entire range of motion so as to provide gradual resistance." It is for the aforementioned reasons that the Applicant respectfully submits that newly added independent claim 21 is allowable over the reference of Ingram.

Rejection under 35 U.S.C. 102(b) to Ingram

In regards to Applicant's independent claim 18, Applicant's independent claim 18 stands rejected under 35 U.S.C. 102(b) as being anticipated by the reference of Ingram (U.S. Patent No. 2,500,078). In responding to the Applicant arguments and in support of the Office's previous rejection of Applicant's independent claim 18 as being anticipated by the reference of Ingram, the Office, on page 3, lines 16-21 of the Office Action of January 13, 2005, stated:

"... a careful inspection of Ingram reveals that as a fish takes that bait, the stem 12 starts to descend at a gradual resistance since the force of friction between the stem 12 and the main body 10 is starting to be overcome. At the same time, since the main body and the stem are frictionally engaged, the main body will also start to descend, but as stated in Ingram, the stem pulls free and descends first. This can be considered as a gradual descent since the stem does not displace much water. The flat base of Ingram will not require a much greater resistance to pull under the surface since a large volume of the stem is already under the water which would require a substantial force to overcome." (Emphasis added.)

The Applicant respectfully disagrees with the Office's above statement. More specifically, the Applicant disagrees with the Office's position that Ingram's hollow stem member 12 frictionally engages his float body 10. Note column 1, lines 14-16 wherein Ingram states:

“... the stem being subject to movement, independent of the float body, upon the striking of a fish on an associated line.” (Emphasis added.)

Further note in column 1, lines 44-45 wherein Ingram further state “... bore 11 of the body 10 freely fits around the shaft portion 15 of the stem ...” Since Ingram specifically teaches that the bore 11 of his body 10 freely fits around the shaft portion 15 of his stem member 12 and that his stem member 12 is subject to movement independent of his body 10 upon the striking of a fish on an associated line, the Applicant respectfully submits that Ingram’s hollow stem member 12 does not frictionally engage his float body 10 and that Ingram’s body 10 does not descend beneath the surface of the water at the initial descending of his stem member 12.

The Applicant also disagrees with the office’s above statement:

“The flat base of Ingram will not require a much greater resistance to pull under the surface since a large volume of the stem is already under the water which would require a substantial force to overcome.” (Page 4, lines 3-5 of the Office Action of January 13, 2005.)

Referring to Figures 1, 3, and 4, note that Ingram’s stem member 12 includes a lower tapered portion 16. The Applicant submits that the shape of the lower tapered portion 16 of stem member 12 allows stem member 12 to be displaced in the water with less resistance than if the lower portion of the stem member 12 was not tapered.

Further note that Ingram’s body 10 includes a flat circular-shaped base which will require greater force to downwardly displace the float body 10 in the water than if the base of the body 10 was not flat, i.e. tapered.

Since Ingram's stem member 12 submerges before Ingram's float body 10 and since the lower tapered portion 16 of Ingram's stem member 12 allows the stem member 12 to be displaced in a body of water with less resistance than if the stem member 12 was not tapered while the flat and circular-shaped base of Ingram's body 10 will require greater resistance in order to downwardly displace of the float body 10 in the body of water than if the float boy 10 was tapered, the Applicant submits that there will be an abrupt or sharp change in the force of resistance at the point when Ingram's stem member 12 is flushes/displaced and Ingram's float body begins to submerge.

Since there will be an abrupt change in the force of resistance at the point when Ingram's tapered stem member 12 has been displaced/flushed and Ingram's flat based float body begins to submerge the Applicant submits that Ingram's fishing float does not provide for a "gradual resistance." Due to the abrupt or sharp change in the force of resistance at the point in which Ingram's stem is submerged/flushed and Ingram's float body begins to submerge, it is thus submitted that Ingram's fishing float does not provide for a "gradual resistance" as called for in Applicant's independent claim 18.

It is for the above reasons that Applicant respectfully submits that the reference of Ingram does not anticipate Applicant's independent claim 18.

In regards to Applicant's claims 19 and 20, claims 19 and 20 each depend on independent claim 18. Since independent claim 18 is allowable for the reasons given above, Applicant submits that dependent claims 19 and 20 are also allowable.

In view of the above, it is respectfully submitted that the application is in condition for allowance. Allowance of claims 18-21 is respectfully requested. Applicant has enclosed a marked-up version of the amendment showing changes made with this response.